

REMARKS

Applicant respectfully requests the Examiner permit Claims 1, 2, 14, 15, 16, 17, 18, 35 and 36 to be amended at this time.

Interview Summary Record

The following is an Interview Summary Record of an interview on June 29, 2004 at 10:30 a.m. (PST) between applicant's representative and Gregory J. Vaughn and Stephen S. Hong of the United States Patent and Trademark Office.

The Interview began with a brief discussion of the relevant features of US Patent 6,081,262 (Gill et al.). The Examiners and applicant's representative appeared to agree on the scope of the Gill et al. reference.

Applicant's representative then recited applicant's claim 1 and pointed to clause (b) of applicant's claim 1 as being an exemplary element that is not disclosed or suggested by Gill et al. The Examiners indicated that clause (b) required more particularity with respect to indicating that the user input is received while the multimedia content is being played by the multimedia content application that accesses the content from a multimedia source. Proposed amendments were discussed and generally agreed upon by applicant's representative and the Examiners, as clarifying the intent of the claim and the Examiners tentatively indicated that these proposed amendments would likely distinguish over Gill et al. Applicant's representative agreed to formally file these amendments and has done so herewith.

Proposed amendments to claims 14 and 15 were also discussed as they involved moving subject matter from the body of the respective claims into the preamble, again to provide for greater clarity. The Examiners regarded this as imparting an acceptable limitation to the field of use.

The amendments and arguments that follow are consistent with those discussed during the above interview.

The Examiner objected to claims 35 and 36 under 35 U.S.C. 112 essentially because these claims are apparatus claims which were dependent upon method claims. Accordingly, claims 35 and 36 have been amended to ultimately depend from claim 17, which is an apparatus claim. The rejection under 35 U.S.C. 112 is therefore overcome.

The Examiner objected to claims 35 and 36 under 37 C.F.R. 1.75 as being substantial duplicates of claims 33 and 34. Claims 33 and 34 are ultimately dependent upon claim 1, which is a method claim whereas claims 35 and 36 are now ultimately dependent upon claim 17, which is an apparatus claim. The method and apparatus are linked by a common technical effect and therefore it should be possible to maintain claims 33-36 in this application. Consequently, as a result of the amendments to claims 35 and 36, the objection under 37 C.F.R. 1.75 is overcome.

Rejections Under 35 USC 102(e)

The Examiner objected to claims 1-3, 6-8, 14-19 and 22-26 under 35 U.S.C. 102(e) as being anticipated by Gill et al., U.S. Patent No. 6,081,262 (hereinafter referred to as "Gill").

Gill fails to disclose "accessing multimedia content through a multimedia content application" as recited in applicant's claim 1.

The Examiner quotes col 5, lines 41-44, of Gill: "The multimedia presentation generation system MPG also comprises a software extension feature QC which functions to interconnect the page based document layout system Q with at least one source of media objects S1-S6", where Gill defines media objects as external sources including, but not limited to, data communication connections to broadcast media, such as Internet S4 (col 6, lines 3-5). The Examiner also notes that Gill further recites: the author defines a movie object

MB into which is imported a movie, which is stored in memory, and obtained from one of the sources named above.

While Gill may disclose interconnection of the page based document layout system with the internet, from which a movie, for example may be imported, there is no disclosure of the specific way in which multimedia content is obtained and in particular, there is no disclosure or suggestion of the use of a multimedia content application to access multimedia content, as recited in claim 1. Applicant's disclosure contemplates the use of a browser as an example of a multimedia content application. Gill describes nothing equivalent to a browser, for example, for accessing multimedia content.

The steps of claim 1 are arranged to indicate that the multimedia content is accessed by a multimedia content application and then while the multimedia content is being played by the multimedia content application, user selection input is received to automatically cause the accessed content to appear in a preview window of a presentation window. The specific way in which multimedia content is accessed to determine whether or not it is to be included in a presentation is thus recited in the claim. Specifically, multimedia content is accessed and played by a multimedia content application and while being played user selection input is received to cause the accessed multimedia content to appear in a preview window and then copied into memory for inclusion in the presentation. The multimedia content is thus obtained through the use of the multimedia content application.

Gill does not disclose specifically how the multimedia content is obtained. With the Gill device, the user must first open the page layout application, decide what type of multimedia is to be included in the object, and obtain from one of the plurality of sources S1-S6, the desired multimedia type. The specific way in which the desired multimedia is obtained is not described by Gill. Rather Gill merely discloses that the page based document layout system is interconnected to at least one source of media objects and to a multimedia authoring tool and that "video information" e.g. media, is obtained

from a plurality of external sources including, but not limited to, data communication connections to broadcast media such as internet S4 or broadcast television, video tape recorders S3, or live feeds S5 from a camera or other such appropriate source of video information. (see col. 5 lines 40-49 and col. 6 lines 2-8). The disclosure of "data communication connections such as the Internet S4" in Gill, is not sufficiently detailed to describe or suggest that a separate multimedia content application should be used to first access the multimedia content before receiving user input to get the content accessed, for inclusion in the presentation, as recited in applicant's claim 1.

The applicant's use of the separate multimedia content application to access the multimedia content before receiving user input to get the content obviates the requirement in the Gill system to pre-define the object on a page and obviates the requirement to define the type of media to be inserted into the object and obviates the requirement to seek the type of content that has been defined. The applicant has recognized that the use of a separate multimedia content application in the manner claimed permits a user to simply surf web pages, for example using a familiar interface such as a browser, without regard to the type of content being accessed and permits a user to decide at the time the content is accessed, whether or not it is to be included in the presentation. There is nothing in Gill to describe or suggest any means for achieving this.

In view of the above, Gill fails to disclose or suggest all of the elements of claim 1 in the combination claimed and therefore, Gill does not support an argument that applicant's invention was described in a patent granted on an application for patent by another filed in the United States before the invention by the applicant. Therefore the rejection under 35 USC 102(e) is overcome.

As for claim 2, the Examiner relies on the statement by Gill at col 15, lines 49-51) "since the multimedia data is stored and processed by the page based document layout system Q in a transparent manner". Applicant's claim 2 recites:

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"The method claimed in claim 1 wherein copying comprises copying said multimedia content from said multimedia content application while said multimedia content application is using said multimedia content."

As explained in connection with claim 1, Gill fails to disclose the specific way in which content is obtained and thus there is nothing to suggest it should be obtained "from said multimedia application while said multimedia application is using said multimedia content", as recited in applicant's claim 2. The rejection of claim 2 is therefore improper due to the dependence of claim 2 on claim 1 and due to the additional subject matter claimed in claim 2.

As for claim 3, the Examiner relies on the statement "the multimedia authoring tool assigns a unique identification to each object that has multimedia information and that is located in the multimedia presentation. (col 4, lines 12-14). The rest of the passage indicates that the unique identification is in the form of hidden information to distinguish it from all static objects.

Claim 3 recites:

"The method claimed in claim 1 further comprising associating an identifier with said multimedia content, for access by the presentation application."

Gill fails to disclose or suggest that an identifier should be associated with the multimedia content, rather Gill discloses assigning a unique identifier to an object. Gill refers to a number of different objects throughout the disclosure however, in the context relied on by the Examiner the object appears to be that defined by the user on the page layout, for holding multimedia information and thus in the context relied on the unique identifier is assigned to something other than multimedia content as claimed in claim 3.

The rejection of claim 3 is therefore improper due to the dependence of claim 3 on claim 1 and due to the additional subject matter claimed in claim 3.

The rejection of claim 6 is improper due to the dependence of claim 6 on claim 1 and due to the additional subject matter claimed in claim 6.

As for claim 7, claim 7 recites:

"The method claimed in claim 1 further comprising producing a multimedia content record accessible by the presentation application, said multimedia content record including a link to said multimedia content in said memory."

The Examiner appears to equate the hidden information with the multimedia content record recited in claim 7, however there is no disclosure that the hidden information may be regarded as a multimedia content record or that it should include a link to the multimedia content in memory.

Col 4, lines 16-20 of Gill state: The hidden information associated with each object defines the unique multimedia characteristics of the images displayed in the object and this hidden information is maintained by but is not necessarily accessed by the page based document layout system. Nowhere is there any suggestion of a record or a link. Consequently the rejection of claim 7 is improper due to the dependence of claim 7 on claim 1 and due to the additional subject matter claimed in claim 7.

As for claim 8, this claim is dependent upon claim 7 and recites:

"The method claimed in claim 7 further comprising producing said multimedia content record such that it includes an identifier associated with said multimedia content."

As explained in connection with claim 7, there is nothing in Gill to suggest a multimedia content record or that the record should include an identifier associated with said multimedia content. As explained in connection with claim 3, Gill fails to disclose or suggest that an identifier should be associated with the multimedia content, rather Gill discloses assigning a unique identifier to an object. Consequently, the rejection of claim 8 is improper due to the

dependence of claim 8 on claim 7 and 1 and due to the additional subject matter claimed in claim 8.

Claims 14 and 15 have been amended to clarify that the multimedia content from the multimedia source is being accessed through a multimedia content application. This is a clarifying amendment. The bodies of claims 14 and 15 have been amended to be similar to that of amended claim 1 and therefore the rejection of claims 14 and 15 is overcome for the same reasons as amended claim 1.

Claim 16 is a means language claim generally following the language of amended claim 1 and therefore the rejection of claim 17 is overcome for the same reasons as claim 1.

Claim 17 is a generic apparatus claim generally following the language of amended claim 1 and therefore the rejection of claim 17 is overcome for the same reasons as claim 1. Claim 17 has also been amended to change "receiver" to "processor" and to state that the "processor is configured to access multimedia content from a multimedia source through a multimedia content application", to correct an editorial error.

Claims 18-26 are apparatus claims that include language similar to that found in one or more of the method claims dependent upon claim 1. Consequently applicant respectfully submits that the rejections of these claims are overcome for the same reasons as their corresponding method claims.

New claims 33 and 35 have been rejected under 35 USC 102(e) as being anticipated by Gill. The rejection of these claims is overcome due to their dependence on claims 1 and 17 respectively and due to the additional subject matter they claim.

Claims 4, 5, 20, 21, 34 and 36 have been rejected under 35 USC 103(a) as being unpatentable over Gill in view of Fields et al. US patent 6,128,655, hereafter "Fields".

Claim 4 recites:

"The method claimed in claim 3 wherein associating an identifier comprises associating a uniform resource locator with said multimedia content."

As argued above, in connection with claim 3 Gill fails to disclose or suggest that an identifier should be associated with the multimedia content, rather Gill discloses assigning a unique identifier to an object. The unique identifier is in the form of hidden information. Since Gill fails to disclose or suggest the use of an identifier as contemplated in the language of claim 3, from which claim 4 depends, there would be no reason to employ the teaching of Fields to cause the identifier specified in claim 3 to include a uniform resource locator. Consequently applicant respectfully submits claim 4 is not obvious and the rejection is improper. Notwithstanding, the amendment to claim 1, from which claim 4 ultimately depends, has been shown to distinguish over Gill et al. and therefore claim 4 should be allowable for this reason as well.

As for claim 5, claim 5 recites:

"The method claimed in claim 4 wherein associating an identifier comprises associating with said multimedia content a uniform resource locator identified by an application using said multimedia content."

The dependence of claim 5 on claim 4 imports the arguments above in connection with claims 1, 3 and 4 to claim 5. Having regard to the arguments already presented in connection with claim 1, it will be appreciated that Gill fails to disclose or suggest "an application using said multimedia content", in the context provided in claim 5. Consequently, neither associating an identifier with said multimedia content, the use of a uniform resource locator as an identifier nor a uniform resource locator identified by a application using said multimedia content is disclosed or suggested by Gill, and thus there

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would be no reason to attempt to modify Gill with Fields, nor would the claimed invention be the result of such combination. Consequently, the rejection of claim 5 is improper. Notwithstanding, the amendments to claim 1, from which claim 5 ultimately depends has been shown to distinguish over Gill et al. and therefore claim 5 should be allowable for this reason as well.

As for claims 20 and 21, as the Examiner has pointed out these claims contain substantially the same subject matter as claims 4 and 5 and therefore the rejections of these claims are improper for the same reasons as claims 4 and 5.

Regarding claims 34 and 36, these claims are similar. Claim 34 is exemplary: "The method claimed in claim 3 further comprising displaying said identifier in association with said preview window."

In addition to the arguments above in connection with claims 1 and 3, it was pointed out that Gill fails to disclose or suggest an identifier of the type claimed. The Examiner has noted that Gill fails to disclose displaying the identifier but relies on Fields as displaying a media identifier.

Neither reference discloses displaying said identifier in association with said preview window", the preview window being that which is in the concurrent presentation window that is activated in response to user input received while the multimedia content application is running, which also is not disclosed or suggested by either of the references.

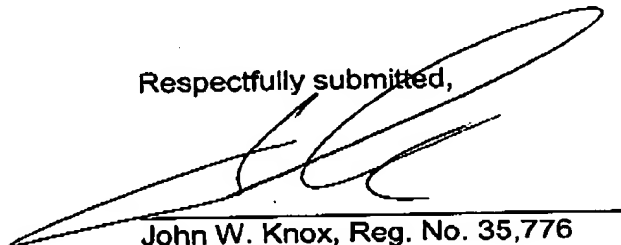
Consequently, applicant respectfully submits the rejection of claims 34 and 36 is improper. Notwithstanding, the amendments to claims 1 and 17, from which claims 34 and 36 ultimately depend has been shown to distinguish over Gill et al. and therefore claims 34 and 36 should be allowable for this reason as well.

Applicant respectfully requests further favorable consideration of the application.

Applicant herewith petitions for an automatic extension of time for one month, from July 5, 2004 to August 5, 2004, for responding to the outstanding Office Action dated April 5, 2004.

The Director is hereby authorized to charge the one month extension of time fee in the amount of \$110.00, or credit any overpayments, to Deposit Account No. 06-0713.

Respectfully submitted,



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